



Board of Harbor Commissioners

City Hall

La Crosse, Wisconsin 54601

(608) 789-7512

7877

February 21, 2006

Dan Hultman
Upper Mississippi River National
Wildlife and Fish Refuge
51 E. 4th Street – Room 101
Winona, MN 55987

Re: Resolution in support of the State of Wisconsin Sovereignty and
Jurisdiction Over Waters of the Upper Mississippi River National Wildlife and
Fish Refuge.

Dear Mr. Hultman,

The City of La Crosse Harbor Commission addressed the above referenced Resolution at their regular monthly meeting held on February 20, 2006 and voted unanimously to approve the Resolution. This resolution strongly urges the Wisconsin Legislature to aggressively defend the authority and sovereignty of the State of Wisconsin over navigation on the Mississippi River and its backwaters. A copy of this Resolution is attached for your information. The Common Council of the City of La Crosse will take final action on this Resolution on March 9, 2006.

Sincerely,

Lawrence J. Kirch, AICP
Director of City Planning

cc: U.S. Senator Russ Feingold
U.S. Senator Herb Kohl
U.S. Congressman Ron Kind
State Rep. Jennifer Shilling
State Senator Dan Kapanke
Mayor Mark Johnsrud

jrb/enclosure

RESOLUTION

WHEREAS, the U.S. Fish and Wildlife Service has formulated and is proposing a part of the Comprehensive Conservation Plan for the Upper Mississippi River navigation restrictions and bans on watercraft for portions of the Mississippi River and its backwaters, and

WHEREAS, the State of Wisconsin as derived from the Northwest Ordinance 1787 at the time of statehood received title to the navigable lakes and streams as provided for in Section 1 of the Wisconsin Constitution, and

WHEREAS, Legislation enacted by the US Congress in June 1924 authorizing the Upper Mississippi River National Wildlife and Fish Refuge required consent by several states including Wisconsin, and

WHEREAS, Wisconsin did reserve to itself in s. 1.035 jurisdiction over the navigable waters leading into the Mississippi and carrying places between the same and the navigable lakes sloughs and ponds within or adjoining such areas, shall remain common highways for navigation and portaging, and the use thereof, as well the inhabitants of this state as to the citizens of the United States, shall not be denied, and

WHEREAS, the public trust in navigable waters is the responsibility of the Wisconsin Legislature to protect them for the benefit of the public and the Legislature is without power to abrogate this trust, and

WHEREAS, navigation for recreation is a way of life on the Mississippi River and its backwaters that is paramount to the quality of life cherished by citizens and vital to economic, social and environmental wellbeing of the City of La Crosse. Recreational use of the Mississippi River and backwaters for fishing, hunting, camping, solitude and other water based activity is incidental to navigation and an inherent right thereof, and

WHEREAS, river management programs that provide for public access and protection of habitat for fish and wildlife are the result of an active partnership between several federal and state agencies, local government and the public.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of La Crosse that on behalf of its citizens it does strongly urge the Wisconsin Legislature to act to aggressively defend the authority and sovereignty of the State of Wisconsin over navigation on the Mississippi River and its backwaters.

BE IT FURTHER RESOLVED that the City of La Crosse on behalf of its citizens does hereby request that the US Fish and Wildlife Service hold open